

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:16-00136-2

LUCI JANE MCCORMICK

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On September 19, 2019, the United States of America appeared by Ryan A. Saunders, Assistant United States Attorney, and the defendant, Luci Jane McCormick, appeared in person and by her counsel, Mark McMillian, for a hearing on the petition seeking revocation of supervised release and amendments thereto submitted by United States Probation Officer Kara Dills. The defendant commenced a twelve (12) month term of supervised release in this action on March 6, 2019, with the special condition that the defendant complete the nine (9) to twelve (12) month residential substance abuse program at Recovery Point or a comparable program, as more fully set forth in the Probation Revocation and Judgment Order entered by the court on January 9, 2019.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant, who was released from imprisonment on March 6, 2019, failed to report to the probation office within seventy-two (72) hours of her release from imprisonment, failed to submit to a drug test within fifteen (15) days of her release date, and failed to report directly to Recovery Point immediately upon her release; (2) the defendant unlawfully possessed a controlled substance inasmuch as on June 19, 2019, she tested positive for opiates and admitted to using heroin on June 16, 2019, she tested positive for benzodiazepines and opiates on July 26, 2019, and admitted use of those drugs, and, on August 7, 2019, she tested positive for benzodiazepines; (3) the defendant failed to complete the nine (9) to twelve (12) month program at Recovery Point pursuant to the Order entered by this court on June 14, 2019, having finally entered the program on June 17, 2019, and having been discharged on August 8, 2019, for failure to comply with the rules of the program at that

facility; and (4) the court also notes that on August 20, 2019, the defendant admitted to the probation officer that she nasally ingested heroin on August 17, 2019; all as admitted by the defendant on the record of the hearing except that the defendant did not admit that she nasally ingested heroin on August 17, 2019, during the proceeding, and all as set forth in the petition on supervised release and amendments thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

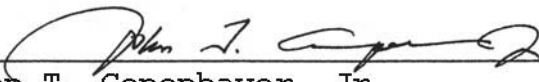
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and she hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for

a period of EIGHT (8) MONTHS, with no further term of supervised release imposed.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 20, 2019

  
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John T. Copenhaver, Jr.  
Senior United States District Judge